

JS 44 (Rev. 12/12)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Louise S. Hunter

**DEFENDANTS**

The Prudential Insurance Company of America

(b) County of Residence of First Listed Plaintiff Philadelphia

(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Essex, New Jersey

(IN U.S. PLAINTIFF CASES ONLY)

NOTE:

IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Stuart A. Winegrad, Esquire  
 Bezark Lerner & DeVirgilis, P.C.  
 1600 Market Street, Suite 1610  
 Philadelphia, PA 19103  
 215-735-5599

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   |                                       |                            |   |                            |                                       |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
|   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input checked="" type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
29 USC 1132

Brief description of cause:

Insurance contract for payment of disability benefits.

**VII. REQUESTED IN COMPLAINT:**
☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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LOUISE S. HUNTER  
2103 Mifflin Street  
Philadelphia, PA 19145

v.

THE PRUDENTIAL INSURANCE COMPANY  
OF AMERICA  
751 Broad Street  
Newark, NJ 07102

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NO.:

**PLAINTIFF'S COMPLAINT**

**INTRODUCTION**

1. This is a claim for long-term disability benefits by Louise S. Hunter (hereinafter referred to as "Plaintiff") in connection with a policy issued to her by her employer, JEVS Human Services, through its insurer and administrator Defendant, The Prudential Insurance Company of America.

**PARTIES**

2. Plaintiff, Patricia S. Hunter (hereinafter referred to as "**Plaintiff**"), is an adult individual residing at the captioned address in the Commonwealth of Pennsylvania.

3. Defendant, The Prudential Insurance Company of America (hereinafter referred to as "**Prudential**"), is a New Jersey corporation, with a principal place of business in the State of New Jersey, and licensed to conduct insurance business in the Commonwealth of Pennsylvania.

**JURISDICTION AND VENUE**

4. Upon information and belief, said life insurance policy existed within the meaning of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. §§1001 et seq., and this Court has jurisdiction pursuant to 29 U.S.C. §1132.

**FACTUAL BACKGROUND AND CLAIMS FOR RELIEF**

**COUNT I  
PROCEEDS PAYABLE UNDER 29 U.S.C. §1132**

5. At all times material hereto, Prudential issued to Plaintiff a long-term disability insurance policy under Control No.: Br. 11760/0001.

6. Plaintiff complied with all conditions of said policy and all premiums have been paid.

7. On or about December 16, 2012, Plaintiff discontinued working as a case coordinator as a result of artery subarachnoid hemorrhage requiring a craniotomy for clipping.

8. Plaintiff received disability benefits through Defendant from December 16, 2012 through April 30, 2014, at which time Defendant determined the medical information did not support impairment preventing her from performing the material and substantial duties of her regular occupation.

9. Plaintiff timely appealed Defendant's determination, which Defendant upheld its determination by letter dated September 22, 2014.

10. Plaintiff timely sought a second reconsideration of Defendant's determination when Plaintiff submitted documentation for medical treating providers evidencing the Plaintiff could not perform substantial and material duties of her regular occupation.

11. Defendant denied Plaintiff's appeal by letter dated June 23, 2015 citing that Plaintiff's medical conditions do not limit her from returning to her regular employment as of May 1, 2014.

12. Plaintiff exhausted all administrative remedies, granting Plaintiff the right to bring this action.

13. The Prudential has wrongfully refused to pay to Plaintiff the proceeds of said long-term disability policy in the amount of \$2,250.89 per month as of May 1, 2014 and into the future.

**COUNT II  
ATTORNEY'S FEES**

14. Paragraphs 1 through 13 above are incorporated herein by reference as though fully set forth at length.

15. Under the express terms of ERISA, Plaintiff is entitled to recover all of her reasonable attorney's fees incurred in prosecution of her claim.

**WHEREFORE**, Plaintiff, Patricia S. Hunter, demands judgment against Defendant, Prudential Insurance Company of America, in the amount of Two Thousand Two Hundred and Fifty dollars (\$2,250.89) dollars and eighty-nine cents, pre- and post-judgment interest, plus costs, attorney's fees and other relief as the Court deems just and equitable.

**BEZARK LERNER & DeVIRGILIS, P.C.**

BY: 

STUART A. WINEGRAD, ESQUIRE  
1600 Market Street, Suite 1610  
Philadelphia, PA 19103  
215-735-5599

*Attorney for Plaintiff, Louise S. Hunter*